

REMARKS/ARGUMENTS

Claims 1, 3-17 remain in this application.

Claim 2 has been cancelled.

Claims 16 and 17 are allowed.

The Examiner has indicated claims 2-4, 9 and 11 are directed to allowable subject matter.

Subject matter from claim 2 has been added to claim 1 and the Examiner should now find this claim and all claims depending therefrom in condition for allowance.

Remaining changes to the claims were made for clarity.

In response to the Office Action of May 10, 2004, Applicant respectfully requests re-examination and reconsideration of the application for patent pursuant to U.S.C. 132.

Objection to Specification

The Examiner has objected to the specification as failing to disclose a brief description of Figures 4 and 5 on page 5. In response, Applicant has amended FIGS. 3,5 and added new FIG. 6 and included corresponding descriptions into the specification. FIG 3 has been amended to illustrate an exploded view of the

limitations illustrated in FIG. 2. Support for amended FIG. 3 can be found throughout the originally filed specification, see for example page 5, lines 11-12 and page 7, line 8-13.

Similarly, FIG. 5 has been amended to illustrate bending of the spring post. Again, support for changes to FIG. 5 can be found throughout the originally filed specification, see page 8, lines 3-7. Upon the recommendation of the Examiner, new FIG. 6 has been added to illustrate the electrical junction box 8 and fixture 9. These limitations were fully disclosed in original claims 3,4,9 and 11. Therefore, changes to the specification to clarify FIGS. 1-6 should not be construed as new matter.

Abstract

In response to the objection to the abstract, Applicant has amended the abstract to a single paragraph within the range of 50 to 150 words. Moreover, all occurrences of legal phraseology, such as "means", "said" and "comprising" have been removed. Accordingly, it is respectfully requested that the objection to the abstract be withdrawn.

Objections to the drawings

The Examiner has objected to drawings under 37 CFR 1.83 (a) as failing to show every feature of the invention as specified

Appl. No. 10/673, 637 Reply to Office Action of May 10, 2004

in claim 1, namely the "electrical junction box" in a subterranean location connected to a first end of said inner sheath portion and "an electrical fixture", comprising a lighting fixture, disposed at said second end portion of said inner sheath portion described in original claims 3,4,9 and 11. These limitation must be shown or the features cancelled from the claims.

In response to the objection under 37 CFR 1.83 (a), Applicant has included a new FIGURE 6 clearly illustrating the claimed subject matter. These limitations were fully disclosed in original claims 3,4,9 and 11, therefore should not be construed as new matter.

Allowable Subject Matter

Claims 16 and 17 are allowed.

The Examiner has indicated that claims 2-4, 9 and 11 contain allowable subject matter. In response, the limitations of claims 2 have been incorporated into base claim 1 and thus claim 1 as well as depending claims 3-15 should be in condition for allowance.

Rejection under 35 USC 103(a)

The Examiner has asserted that Claim 1 of the instant invention is unpatentable over Angelis, Sr. et al (USP

Appl. No. 10/673, 637 Reply to Office Action of May 10, 2004

5,626,418). Claim 1 has been amended to include limitations from claim 2, as suggested by the Examiner, and is now believed to be in condition for allowance. Claims 3-15 depend from base claim 1 and should also be in condition for allowance.

Claim Objections

Claims 2-4, 9 and 11 stand objected to as being dependent upon a rejected base claim. However, in view of the current amendment to claim 1 it is respectfully requested that the objection to claim 1 be withdrawn.

Oath/Declaration

Examiner pointed out that the oath or declaration had not been signed by the inventor. A new executed declaration is submitted herewith. No fees are believed due with the filing of the executed Declaration. However, if the surcharge fee under 37 CFR §1.16(e) in the amount of \$65.00 is due with the submission of the executed Declaration, the Commissioner for Patents is hereby authorized to charge said fee to Deposit Account No. 13-0439.

SUMMARY

In light of the foregoing remarks and amendment to the claims, it is respectfully submitted that the Examiner will now find the claims of the application allowable. Favorable reconsideration of the application is courteously requested.

Respectfully submitted,

Date 8/10/2004

By Ferris H. Lander
Ferris H. Lander
Registration No. 43,377

McHale & Slavin, P.A.
4440 PGA Blvd., Suite 402
Palm Beach Gardens, FL 33402
(561) 625-6575 (Voice)
(561) 625-6572 (Fax)

\\Ns2\CLIENT FILES\2700-2799\2745 - Pastuch, Darrell\2745_000001 - UT PAT
APPLN\Amendments\Response to OA 5-10-04.wpd